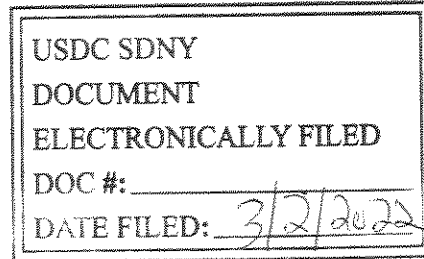


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re: MAERSK ESSEN
VOYAGE 051 SHIPPER CASES

21-cv-08183
21-cv-08334
21-cv-10857
21-cv-11171
21-cv-11173
21-cv-11176
21-cv-11213
22-cv-00139
22-cv-00148
22-cv-00155
22-cv-00194
22-cv-00196
22-cv-00265
22-cv-00284
22-cv-00306
22-cv-00366
22-cv-00370
22-cv-00372
22-cv-00374
22-cv-00386
22-cv-00388
22-cv-00445
22-cv-00460
22-cv-00461
22-cv-00766
22-cv-01499

This Filing Relates to

ALL MATTERS

**ORDER CONSOLIDATING CASES FOR PRETRIAL PURPOSES
AND SCHEDULING ORDER**

McMahon, J.:

Whereas the court has accepted each of the above captioned lawsuits as “related cases” due to the fact that each arises out of Voyage 051 of the vessel known as the Maersk Essen and is brought by or in right of a shipper who lost cargo on said voyage; and

Whereas, this court had already consolidated ten of the above-captioned cases for pre-trial purposes under the case number 21-cv-11213 (*see* Civ. No. 21 cv 11213, at Dkt. Nos. 6, 7); and

Whereas on February 3, 2022, the court learned that a second group of cases brought by or in right of shippers who lost cargo on Voyage 051 of the Maersk Essen were assigned to my colleague, The Hon. Edgardo Ramos, and had been consolidated under lead case number 21-cv-08183 and assigned for pretrial purposes to Magistrate Judge Gabriel Gorenstein; and

Whereas the cases before Judge Ramos were reassigned to this court as related on February 11, 2022, and Magistrate Judge Gorenstein was designated as the Magistrate Judge on all of those cases; and

Whereas Case Number 22-cv-00148, assigned to my colleague The Hon. Lewis A Liman, was reassigned to this court on February 11, 2022, and Magistrate Judge Gorenstein was designated as the Magistrate Judge; and

Whereas Case Number 22-cv-00461, assigned to my colleague The Hon. Mary Kay Vyskocil, was reassigned to this court on February 11, 2022, and Magistrate Judge Gorenstein was designated as the Magistrate Judge; and

Whereas Case Number 22-cv-01499 was filed on February 23, 2022 as a related case and referred to this court, which is now accepted the case as related, and Magistrate Judge Gorenstein is to be designated as the Magistrate Judge; and

Whereas Case Number 22-cv-00460, assigned to my colleague The Hon. Paul A. Gardephe, was reassigned to this court on March 1, 2022, and Magistrate Judge Gorenstein is being designated as the Magistrate Judge; and

Whereas Case Number 21-cv- 10857, assigned to my colleague The Hon. Jed s. Rakoff, was reassigned to this court on March 1, 2022, and Magistrate Judge Gorenstein is being designated as the Magistrate Judge; and

Whereas, it is the view of this court that, all cases brought by or in right of shippers of cargo on Voyage 051 of the Maersk Essen against the vessel and/or anyone who can be sued in right of the vessel should be coordinated before a single district judge; and

Whereas, it is the view of this court that all the Maersk Essen Voyage 051 Shipper Cases should be assigned to the same Magistrate Judge, and the court has asked the Assignment Committee to designate Magistrate Judge Gorenstein for that purpose; and

Whereas, it is the view of this court that consolidating all the Maersk Essen Voyage 051 Shipper Cases for pre-trial purposes will facilitate the administration and disposition of these cases;

IT IS HEREBY ORDERED, that the following cases are administratively consolidated, at present for pre-trial purposes only, under the Master Case Number 21-cv-08183– which is the first filed of these cases – under the rubric “In re: Maersk Essen Voyage 051 Shipper Cases:”

- 21-cv-08183
- 21-cv-08334
- 21-cv-10857
- 21-cv-11171
- 21-cv-11173
- 21-cv-11176
- 21-cv-11213
- 22-cv-00139
- 22-cv-00148
- 22-cv-00155
- 22-cv-00194
- 22-cv-00196
- 22-cv-00265
- 22-cv-00284
- 22-cv-00306
- 22-cv-00366
- 22-cv-00370

- 22-cv-00372
- 22-cv-00374
- 22-cv-00386
- 22-cv-00388
- 22-cv-00445
- 22-cv-00460
- 22-cv-00461
- 22-cv-00766
- 22-cv-01499

And it is further

ORDERED, that the caption to be used for as long as this order is operative shall be as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____X

In re MAERSK ESSEN Voyage 051
Shipper Cases

21 cv 08183 (CM) (GWG)

_____X

This filing relates to: ALL CASES or to a
SPECIFIC CASE NUMBER, as appropriate

_____X

And it is further

ORDERED, that motions filed in connection with specific cases must be posted to ECF under **both** the Master Case Number and the civil action number assigned to the individual case; and it is further

ORDERED, that if any party to this litigation becomes aware of a case that should be consolidated into the matter known as *In re: Maersk Essen Voyage 051 Shipper Cases*, that party shall notify the court immediately; and it is further

ORDERED, that if for any reason any subsequently-filed case cannot be consolidated into *In re: Maersk Essen Voyage 051 Shipper Cases*, including but not limited to because of a conflict

of interest on the part of the presiding District or Magistrate Judge that is both unwaivable and incurable, or if such a conflict develops in any of the cases already consolidated by virtue of this order, all reasonable efforts will be made to coordinate proceedings before any other assigned judge with proceedings in *In re: Maersk Essen Voyage 051 Shipper Cases*; and it is further

ORDERED, that the only cases to be consolidated as part of *In re: Maersk Essen Voyage 051 Shipper Cases* are cases brought by or in right of shippers who lost cargo on this voyage, and that other types of cases that may arise out of this voyage, including specifically disputes between shippers and insurers over insurance coverage for cargo lost on this voyage, will not be deemed to be related cases and will not be handled as part of this consolidated action; and

Sufficient cause appearing therefore, it is further

ORDERED, that the civil case management conference currently scheduled for March 3, 2022, is adjourned, at the request of the parties (*see* Civ. No. 21 cv 11213, at Dkt. No. 29) to facilitate settlement discussions and the possible coordination of discovery. The case management conference will be held before Judges McMahon and Gorenstein on April 25, 2022 at 10:00 am in Courtroom 24A of the Daniel Patrick Moynihan United States Courthouse. The parties are advised that the court will not further adjourn this conference.

Dated: March 2, 2022



U.S.D.J.

BY ECF TO ALL COUNSEL OF RECORD